

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA  
CHARLOTTESVILLE DIVISION

UNITED STATES OF AMERICA

v.

Case No. 3:04CR00032

JEFFREY ALLEN PATCH

**SECOND MOTION FOR CONTINUANCE**

Comes now the defendant, Jeffrey Allen Patch, by counsel, and moves for a continuance of his trial, representing the truth of the following:

1. This case is currently set for a jury trial beginning on January 5, 2005. Trial was previously scheduled for August 30, 2004, and was continued on the defendant's motion for the reason that the defendant had changed counsel.

2. Because of scheduling problems, it was not until December 15, 2004, that the FBI was able to show counsel for the defendant and the government the images that were recovered from the search of computer hard disks taken from the defendant's residence.

3. From the information presently available it is not possible to determine whether the images were obtained from temporary internet files as a result of viewing a website, or whether they were downloaded.

4. The defendant wishes to have a reasonable amount of time to consult with a computer expert and, if necessary, obtain access of the disks for the expert for the purpose of attempting to establish the origin of the images.

5. Counsel for the defendant and the government are engaged in plea negotiations, and the defendant has only recently been able to provide to the government comprehensive medical and psychological records that are material to plea discussions.

6. The government does not object to a continuance.

7. The interests of justice would be served by a reasonable continuance.

8. The defendant has previously filed a speedy trial waiver.

WHEREFORE, your defendant prays that the trial of this case be continued for a period of at least 90 days to allow adequate time for investigation and plea negotiations.

Respectfully submitted,  
JEFFREY A. PATCH  
By Counsel

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CERTIFICATE OF SERVICE

I hereby certify that on December 17, 2004, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Nancy S. Healey, AUSA; and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants: (none).

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